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UNCLAS SECTION 01 OF 04 KHARTOUM 000593

DEPT FOR SE GRATION, S/USSES, AF A A/S CARTER, AF/C  
NSC FOR MGAVIN AND HUDSON  
DEPT PLS PASS USAID FOR AFR/SUDAN  
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SUBJECT: GOS CONTINUES TO PUSH FORWARD ON NGO FRAMEWORK

REF: A) KHARTOUM 589  
B) KHARTOUM 577

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SUMMARY  
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¶1. (SBU) On May 4, USAID field staff met with Ahmed Adam, the Director of the Government of National Unity (GNU) Humanitarian Aid Commission (HAC) NGO Section, to discuss progress on the early April framework achieved by U.S. Special Envoy Gration. According to Adam, the government has taken additional positive steps in implementing the framework, including approving 90 percent of technical agreements (TAs) as of May 3. However, NGOs note that bureaucratic obstacles continue to impede actual progress, including the issuance of one-year, multiple re-entry visas. While Adam noted that the government had established policies to implement the framework and is fully committed to seeing its success, he highlighted lack of government capacity and communication difficulties with lower-level officials as challenges to significant progress. As the government works to improve the operating environment in Sudan, NGOs, the UN, and government ministries continue to address gaps in humanitarian assistance. Despite these efforts, significant gaps remain, particularly in meeting longer-term needs. END SUMMARY

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Government Official Responds to Reports of Shortcomings  
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¶2. (SBU) On May 4, USAID field staff met with Ahmed Adam, the Director of the GNU HAC NGO Section, to discuss progress on the implementation of the Special Envoy's framework. Adam is also the NGO registrar and the head of the Joint Procedures Center (JPC), the agency that manages all NGO bureaucratic processes. Adam reported that the government plans to issue a ministerial decree on May 5 or 6 on the expanded High Level Committee as well as possible changes in the Tripartite Joint Technical Committees (TJTCs) in Darfur state capitals. According to Adam, the government has established strong policies and is willing to meet its commitment to the framework; however, lack of government capacity and challenges in communication with ministries and states have hindered progress. Adam noted that

the process for federal decisions to trickle down into the Darfur states takes time and for new procedures to begin to function efficiently. Adam expressed frustration regarding the perceived unilateral monitoring of the government's commitments by the U.S. Government (USG), stating that he had not been instructed to work with the USG on monitoring and reporting on the framework. (Note: During the meeting, USAID shared the stop-light chart--the document tracking the government's implementation of the framework--with Adam. Adam recommended that during the first formal US-GNU meeting to discuss the framework, both parties start with a blank tracking chart rather than one already filled in by one party. End Note)

13. (SBU) According to Adam, as of May 3, the GNU HAC had signed 90 percent of submitted TAs, with four or five agreements pending. On April 30, NGOs reported that the GNU HAC had refused to sign several NGOs TAs for Darfur on the basis that the organizations did not have an acceptable national NGO partner. According to NGOs, the GNU HAC was unilaterally writing the names of national NGOs into TAs and pressuring international NGOs to accept the local partners. (Note: During a meeting with USAID field staff, at least one NGO stated that the organization would not sign a TA if the GNU HAC forced the NGO to accept an inappropriate national NGO partner, stating it would wait to see how the second round of discussions between the Special Envoy and the government proceeded before signing an agreement. End note.) In previous years, NGOs were able to partner with informal, community-based organizations (CBOs) and government line ministries in addition to national NGOs to fulfill the national organization requirements. However, in 2009, the GNU HAC changed this requirement to include only national NGOs registered with the GNU HAC as a way to expedite the process of "Sudanization." While expressing their desire to build national capacity, international NGO staff note that national NGOs often lack the capacity, experience, and/or presence in the area of operation. On April 30, NGOs expressed concern that the government would not count NGO TAs

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denied by state-level HACs due to lack of a national NGO partner in its reporting.

14. (SBU) Despite previous NGO reports, Adam reported that he was unaware of any difficulties in clearing imported project materials through federal customs. Adam stated that the government had issued approximately 750 NGO customs exemptions in 2008 and was unaware of any complaints about delays. During an April 30 meeting with USAID field staff, NGOs reported--but did not quantify--significant delays with federal customs clearances and in transferring supplies from Darfur warehouses to the final point of use. In one example, an NGO reported that medical supplies purchased in Khartoum took three months to clear for transport to Darfur. NGOs also reported delays of up to eight months in transferring imported project assets and materials to the Three Areas. However, Adam stated that NGOs have not reported delays to his office and indicated that most assets and materials clear customs within the agreed seven days. Adam noted, however, that "Darfur is at war" and therefore has special controls to ensure that goods and materials do not fall into the hands of armed opposition groups. Adam noted examples of NGO materials being diverted by armed opposition groups and stated that some people in the government suspect that NGOs and armed opposition group "pre-arrange" hijackings in Darfur.

15. (SBU) Adam clarified that under the General Directory of Procedures (GDP), travel within Sudan using a GNU HAC identification card applies to all of Sudan, not only Darfur. Adam noted that the GNU HAC identification card lists the NGO's areas of operation and travel outside of these areas requires formal notification. In late April and early May, NGOs reported that resident international NGO staff were unable to travel to Nyala, South Darfur, using only a passport and GNU HAC identification card. While state officials are complying with the streamlined approach in El Fasher, North Darfur, NGOs report inconsistent application in El Geneina, West Darfur. In an April 30 meeting with NGOs (Ref A), Sudanese Presidential Advisor Dr. Ghazi Salahudin noted that full state compliance would take time due to significant distances and difficulties in communication with Darfur officials.

16. (SBU) Adam noted that the government has taken measures to

improve reporting and establish a better accountability and monitoring system to review implementation of the 2007 Joint Communiqué. Despite these "good intentions," Adam reported that lack of sufficient government capacity has limited efforts to date. Adam reported that the JPC had launched the electronic database system, which tracks NGO procedures, in January 2009, and has been producing reports on quantity of actions and timeframes. However, UN Office for the Coordination of Humanitarian Affairs (OCHA) staff reported in late April that OCHA has not yet received any reports. Adam reiterated that the GNU HAC is diligently working to streamline NGO procedures, noting that he had personally communicated frequently through phone calls and emails and conducted daily meetings with NGOs, regular meetings with the NGO Steering Committee, and weekly TJTC meetings to discuss issues. During the week of April 27, Adam also traveled to the three Darfur states with military, police, and security representatives so that the officials could liaise with state-level counterparts to ensure the full implementation of the framework and the April 16 decree.

¶7. (U) On May 7, Minister of Humanitarian Affairs Dr. Haroun Lual Ruun and U.N. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes plan to chair the first expanded High Level Committee meeting, which includes permanent seats for the U.S., European Union (EU), and United Kingdom, as well as additional relevant government ministries and countries of influence. Among the issues for discussion, participants--including U.S. Special Envoy Gration and senior representatives from the EU and United Kingdom--plan to discuss the April 16 ministerial decree, the cluster approach, and security conditions in Darfur, as well as monitoring mechanisms and support for national initiatives.

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Bureaucratic Constraints Continue to Pose Problems  
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¶8. (SBU) While recent statements appear to signal the government's  
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intention to comply with the Special Envoy's framework, NGOs report continuing bureaucratic impediments and Darfur state obstruction to actual implementation. On April 30, NGOs reported that Sudanese Embassies are processing the majority of Darfur visa applications quickly; however, delays have occurred in some countries for certain nationalities and for non-resident applicants.

¶9. (SBU) Due to links between visa issuance and many other bureaucratic requirements with varying timelines, NGOs expressed concerns that the GNU HAC will likely not be able to issue the agreed one-year, multiple re-entry visas. NGOs are subject to other procedural approvals with differing timelines, such as employment contracts, resident visas, work permits, TAs, NGO annual registration, and the Moratorium on Restrictions (MOR), which expires on January 31, 2010. NGOs fear that the GNU HAC will issue the multiple re-entry visas only for as long as permitted by the shortest approved timeline for the other requirements, often significantly less than the agreed upon 12 months. (Note: While NGOs praised the multiple re-entry visa initiative and noted its potentially positive impact on NGO staff morale, some NGOs expressed hesitancy in purchasing the more expensive multiple re-entry visas if they are only valid for six months. End Note.) However, Adam stated that he had advised NGOs not to submit applications for one-year, multiple re-entry visas until the GNU HAC approved the organization's TA. Adam stated that the visa length is governed by the duration of TAs, which are valid for one year.

¶10. (SBU) During the week of April 27, the TJTC revised the GDP, a manual that includes all procedures and approvals required for NGOs to operate in Sudan. The revised version includes the provision for one-year, multiple re-entry visas, as well as steps for NGO close-out procedures, including references to severance issues.

¶11. (SBU) In late April, international NGOs reported that the GNU HAC has urged some organizations to employ national staff in positions already approved for international staff in the GDP. Forcing NGOs to accept national staff in place of international staff contravenes the government's commitment under the Special

Envoy's framework to allow international NGOs to recruit and deploy international staff according to NGO-specified criteria. NGOs working in Darfur note the challenges of employing national NGO staff with suitable qualifications for some positions.

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Continuing Gaps in Assistance  
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¶12. (SBU) As of May 4, the registration of new NGOs as agreed under the Special Envoy's framework remained pending, with USAID working to expedite potential future registration processes. Meanwhile, remaining NGOs, the UN, and GNU ministries continue to expand areas of operation and programs to address immediate gaps in health, nutrition, and water, sanitation, and hygiene assistance, as well as in the provision of food aid resulting from the early March NGO expulsions. Despite these actions, significant gaps in assistance remain, particularly in meeting longer-term needs. According to an April U.N. Food and Agriculture Organization report, more than 32,000 households in Darfur are not expected to receive previously planned diversified food security and livelihood support due to NGO expulsions.

¶13. (U) On April 30, the UN reported that the UN World Food Program (WFP) is planning to launch a Special Operation appeal for Darfur that would assist WFP and its partners in providing continued food assistance beyond June to all beneficiaries previously served by expelled NGOs. WFP's new Special Operation is designed to restructure WFP's, and possibly other UN agencies and NGOs', field operations by establishing office and accommodation facilities in remote locations that currently have limited or no NGO coverage. The operation is also envisaged to support more direct WFP involvement in management, or co-management with its partners, of food aid distributions in Darfur. Though not yet finalized, this new Special Operation, as described by WFP, would help compensate for capacity gaps left by expelled NGOs and provide operational support to partner NGOs expanding into gap areas, as well as act as an operational contingency should some areas remain without NGO

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coverage. The Special Operation contains three main components, including establishment of new infrastructure, deployment of additional WFP staff to Darfur, and rollout of an intensive training program to increase capacity building.

¶14. (SBU) According the U.N Joint Logistics Center, the Non-Food Item (NFI) Common Pipeline is expected to have sufficient stocks to meet upcoming needs during the May/June to September rainy season. However, humanitarian agencies note that the Sudanese government's ongoing seizure of formerly CARE-managed NFI warehouses in El Fasher, North Darfur, continues to hamper critical relief commodity distributions in response to displacement in North Darfur, particularly in overcrowded Zam Zam internally displaced person camp. In March and April, the government handed over NFI warehouses to UNJLC in El Geneina, West Darfur; Nyala, South Darfur; El Obeid, Northern Kordofan State; and Khartoum. According to UNJLC, the government refuses to hand over the El Fasher warehouse due to the fact that it is full of assets seized from expelled NGOs. Despite this issue, UNJLC expects the GNU HAC to turn over the remaining El Fasher warehouses in the coming days.

¶15. (U) The early March expulsions have also significantly affected USAID democracy and governance programs in the Three Areas, including USAID partner Mercy Corps' Localizing Institutional Capacity in Sudan (LINCS) program. According to USAID, the seizure of Mercy Corps' assets in two offices and the temporary closure of two other offices in the Three Areas have jeopardized continued support to civil society organizations, as well as plans to build community radio stations in Abyei and in Damazinein Blue Nile State. In the absence of independent media in Southern Sudan and the Three Areas, community radio stations serve as an important venue for community dialogue and education.

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COMMENTS  
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¶16. (SBU) While government officials continually indicate the government's commitment to the Special Envoy's framework, a significant amount of work remains. The duplicitous Adam and senior-level GNU officials appear to be sending the message that the government requires time to strengthen the necessary mechanisms, build internal capacity, and ensure compliance within the Darfur states. During the meeting, Adam echoed other officials' concerns, stating "do not doubt our good intentions." However, to truly inspire confidence in the government's commitment, real progress is necessary given the regime's truly horrific track record. Although the completion of 90 percent of TAs represents a significant improvement from previous weeks, NGOs caution that many of the government's commitments hinge on multiple procedural issues that the government has not yet clarified. Despite recent positive steps, the government's previous underhanded approach to commitments and humanitarian operations means that it will take a significant amount of time for the government to build lasting trust among NGOs and international community regarding its commitment to the Special Envoy's framework.

FERNANDEZ